

Remarks

The applicants have carefully considered the third non-final Office action dated July 19, 2007. In the third non-final Office action, all of the claims were rejected as anticipated by Zimmer et al. (US Pub. No. 2004/0103272) ("Zimmer") or as unpatentable over Zimmer in view of Meyer (US Pub. No. 2002/0099909). By way of the forgoing amendments claim 1 has been amended to include all of the recitations of claim 14, claim 16 has been amended to include all of the recitations of claim 29, claim 31 has been amended to include all of the recitations of claim 44, and claims 14, 29, and 44 have been cancelled. In view of the forgoing amendments and the following remarks, reconsideration of the application is respectfully requested.

Subject matter that qualifies as prior art only under subsection (c) of 35 U.S.C. § 102, shall not preclude patentability under 35 U.S.C. § 103 where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. (35 U.S.C. § 103(c)). Zimmer is prior art only under subsection 102(e). (Office action, 2:21-26). The instant application and Zimmer were, at the time the claimed invention was made, owned by Intel Corporation or subject to an obligation of assignment to Intel Corporation. Therefore, Zimmer is not available for use as prior art in a rejection under 35 U.S.C. § 103.

Claim 14, whose recitations have been incorporated into claim 1, was rejected under 35 U.S.C. § 103 over Zimmer in view of Meyer. As described above, Zimmer is unavailable as prior art under 35 U.S.C. § 103. The third non-final Office action does not suggest that Meyer describes or suggests all of the recitations of claim 1. Therefore, claim 1 and all claims depending therefrom are patentable over the cited prior art.

For at least the reasons provided for claim 1, claims 16 and 31 and all claims depending therefrom are patentable over the cited art.

Furthermore, the applicants respectfully submit that the forgoing amendments do not necessitate a further search of the prior art because all of the recitations of amended claim 1, 16, and 29 were present in original claim 14, 29, and 44, respectively, and were available to be searched by the examiner in preparing the rejection of claims 14, 29, and 44 in the third non-final Office action.

Reconsideration of the application and allowance thereof are respectfully requested. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 or under other applicable rules (except payment of issue fees), to Deposit Account No. 50-2455. Please refund any overpayment to Hanley, Flight, and Zimmerman at the address below.

Respectfully submitted,
HANLEY, FLIGHT & ZIMMERMAN, LLC
150 S. Wacker Dr.
Suite 2100
Chicago, Illinois 60606

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/Michael W. Zimmerman/
Michael W. Zimmerman
Reg. No. 57,993
Agent for Applicants
312.580.1020